

AN ORDINANCE **97365**

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RAILROAD LICENSE & FORCE ACCOUNT AGREEMENT WITH TXDOT AND THE UNION PACIFIC RAILROAD COMPANY (UPRR) IN THE AMOUNT OF \$67,767.40 PAYABLE TO TXDOT IN CONNECTION WITH THE SUNSET ROAD FROM JONES MALTSBERGER TO TEAK (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING \$6,776.74 FOR ENGINEERING CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL AMOUNT OF \$74,544.14 FUNDED WITH 2001 CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, the City is responsible for the total estimated cost of \$67,767.40 for the funding of engineering, rights of way acquisition, and twenty (20%) of the construction cost of Sunset Road from Jones Maltsberger to Teak Phase I Project which includes the reconstruction to a width of forty four feet with curbs, sidewalks, driveway approaches, and drainage, and

WHEREAS, the City wishes to enter into a Texas Department of Transportation (TxDOT) Railroad License & Force Account Agreement with TxDOT and the Union Pacific Railroad Company (UPRR) to accomplish: 1) the installation of remote signals with gates, a new cabin, the construction of a 10-foot extension of the existing road crossing, relaying 120 feet of rail through the road crossing and ballast by UPRR 2) relocation of the existing signals and gate and lights on eastbound approach and dispose of the foundation by UPRR; 3) extension of the gate arm length of signals assembly on the westbound approach and replacement of all existing incandescent flashing lights with LED lights and provide salvage credit for the flasher assemblies and signal foundation by UPRR; 4) the widening of the existing roadway, installation of a sidewalk across the tracks, and placement of additional culverts and utility pipe under the railroad line by TxDOT ; 5) installation of pavement markings, advanced warning signs, a retaining wall, and a traffic barrier by TxDOT; and 6) performance by the City of maintenance in the area; and

WHEREAS, approval of this Ordinance will be a continuation of City Council policy to construct approved 2001 Certificates of Obligation funded Capital Improvement Projects; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or her designee is hereby authorized to execute a Texas Department of Transportation Railroad License & Force Account Agreement with the Texas Department of Transportation and the Union Pacific Railroad Company, a

copy of which is attached hereto and incorporated herein by reference for all purposes as Attachment I, to provide for the City's twenty (20%) share, amounting to \$67,767.40, of the construction cost in connection with the Sunset Road from Jones Maltsberger to Teak Project.

SECTION 2. The budget in fund 43-171095, 2001 Street Improvements, shall be revised by reducing index code 695734, entitled Unallocated Appropriations: Proceeds by the amount of \$74,544.14.

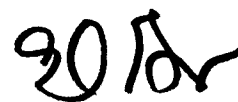
SECTION 3. The amount of \$67,767.40 is appropriated in fund 43-171016, 2001 Street Improvements, in index code 756825, entitled Payment to TXDOT, and is authorized to be encumbered and made payable to the Texas Department of Transportation, in connection with the Sunset Road-Jones Maltsberger to Teak Phase I project.

SECTION 4. The amount of \$6,776.74 is appropriated in fund 43-171016, 2001 Street Improvements, in index code 756833, entitled Engineering Contingency, and is authorized to be encumbered and made payable for engineering contingency expenses, in connection with the Sunset Road-Jones Maltsberger to Teak Phase I project.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This Ordinance shall be effective on April 6, 2003.

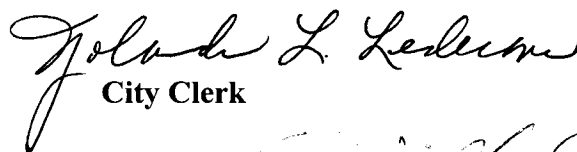
PASSED AND APPROVED this 27th day of March, 2003.



M A Y O R

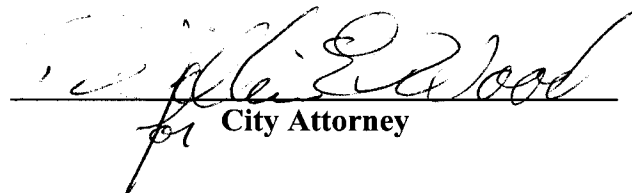
EDWARD D. GARZA

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney